

IN THE EXECUTIVE ETHICS COMMISSION
OF THE STATE OF ILLINOIS

In re: DIANE HOPKINS

)

OEIG Case # 10-00336

OEIG FINAL REPORT (REDACTED)

Below is a final summary report from an Executive Inspector General. The General Assembly has directed the Executive Ethics Commission ("Commission") to redact information from this report that may reveal the identity of witnesses, complainants or informants and "any other information it believes should not be made public." 5 ILCS 430/20-52(b).

The Commission exercises this responsibility with great caution and with the goal of balancing the sometimes competing interests of increasing transparency and operating with fairness to the accused. In order to balance these interests, the Commission may redact certain information contained in this report. The redactions are made with the understanding that the subject or subjects of the investigation have had no opportunity to rebut the report's factual allegations or legal conclusions before the Commission.

The Commission received a final report from the Governor's Office of Executive Inspector General ("OEIG") and a response from the agency in this matter. The Commission redacted the final report and mailed copies of the redacted version and responses to the Attorney General, the Governor's Executive Inspector General and to Diane Hopkins at her last known address. These recipients were given fifteen days to offer suggestions for redaction or provide a response to be made public with the report. Certain information contained in the proposed public response may have been redacted in accordance with the Commission's determination that it should not be made public. The Commission, having reviewed all suggestions received, makes this document available pursuant to 5 ILCS 430/20-52.

I. Initial Allegations and Subsequent Allegations

The Office of Executive Inspector General (OEIG) received a complaint alleging that Illinois Department of Human Services (DHS) employee Diane Hopkins engaged in misconduct. The complaint alleged that after work hours, Diane Hopkins used State resources to issue a Link card in the name of Orlando Hopkins, her estranged husband, while he was incarcerated.

During the course of the investigation, the OEIG further found that Diane Hopkins:

- Without authorization reissued several Link cards in the name of Orlando Hopkins, both before and during his incarceration;
- Accessed DHS resources for personal purposes;
- Misappropriated food stamp benefits issued to Orlando Hopkins; and
- Failed to cooperate in the OEIG investigation.

The OEIG investigation further revealed that Link card recipient Orlando Hopkins:

- Failed to disclose his incarceration to DHS;
- Improperly allowed Diane Hopkins to use his food stamp benefits; and
- Misused his food stamp benefits for unauthorized purposes.

II. Investigation – Background Information

A. Illinois Link Card

The Illinois Link card allows eligible public aid recipients to access cash and food stamp benefits. Link cards function similar to prepaid debit cards. Link cards are delivered to DHS offices in bulk. Each card contains a unique identification number. When DHS employees issue a card, they are required to complete an Illinois Link Card Issuance Form (Form 3658) and corresponding fields in a spreadsheet titled, “Card and PIN/PCN Issuance.” The Form 3658 and corresponding spreadsheet fields record the card’s unique identification number, customer’s signature, and initials/signature of the employee issuing the card. Form 3658 includes a section requiring a public aid recipient to sign a statement that reads, “I understand that I am responsible for protecting my card ... and for not giving anyone else my card[.] ... I understand that it is illegal and that I may be prosecuted if I falsely obtain and/or misuse [a DHS] Illinois Link Card.”

B. Diane Hopkins and Orlando Hopkins

i. Diane Hopkins’s DHS Employment

From May 16, 2007 to July 1, 2010, Diane Hopkins worked as an office assistant at the DeKalb County Family Community Resource Center (DeKalb Local Office). Ms. Hopkins’s responsibilities included filing, receptionist duties, and processing forms relating to applications for food stamp benefits. On July 1, 2010, DHS promoted Ms. Hopkins to a caseworker position at the Elgin Family Community Resource Center. Ms. Hopkins’s regular work hours are 8:30 a.m. to 5:00 p.m.

ii. Diane Hopkins’s and Orlando Hopkins’s Receipt of Public Aid Benefits

Diane Hopkins and Orlando Hopkins have six children together. They do not share the same household and receive public aid benefits independently of one another.

Diane Hopkins receives food stamp and medical benefits for herself and her children. She began receiving public aid benefits prior to 2005 and continued after her eligibility was re-determined on December 13, 2010.

Orlando Hopkins receives food stamp benefits solely for himself. Mr. Hopkins began receiving food stamp benefits, on a non-continuous basis, as early as July 19, 2004.

iii. *Orlando Hopkins's Incarceration and Continued Receipt of Benefits*

On December 8, 2009, a DeKalb County Sheriff's Department officer took Orlando Hopkins into custody. On January 19, 2010, Mr. Hopkins was transferred to the Illinois Department of Corrections' Lawrence Correctional Facility. Orlando Hopkins remained in the custody of the Lawrence Correctional Facility until November 16, 2010.

On December 1, 2009, seven days prior to his arrest, Mr. Hopkins began receiving food stamps in the amount of \$200 per month. The \$200 per month allotment was credited to Mr. Hopkins's Link card for the months of January, February and March 2010. Mr. Hopkins's Link card and benefits were cancelled on March 23, 2010 when DeKalb Local Office staff learned that Mr. Hopkins was incarcerated.

iv. *Use of Orlando Hopkins's Link Card during Incarceration*

Between December 19, 2009 and March 24, 2010, during Orlando Hopkins's incarceration, approximately \$770 in food stamp benefits were used via his Link card.

C. OEIG Investigation

i. *Interviews of [Employee 1]*

On May 10, 2010 and August 23, 2010, OEIG investigators interviewed [employee 1]. [Employee 1] stated that in March 2010, staff was trying to reconcile logs listing replacement Link cards. During the reconciliation, staff learned that a particular Form 3658 that was supposed to accompany one of the reissued Link cards was missing. Staff further learned that the replacement Link card associated with the missing Form 3658 had been reissued to Orlando Hopkins.

[Employee 1] indicated that she contacted DHS Information Technology personnel [employee 2] in order to determine when the card had been reissued. [Employee 2] determined that Diane Hopkins reissued the card on March 16, 2010, at 6:15 p.m. [Employee 1] further advised that DeKalb Local Office staff learned that Orlando Hopkins was incarcerated, after which they proceeded to cancel his benefits.

[Employee 1] advised OEIG investigators that Mr. Hopkins was not eligible for benefits during his incarceration in any State facility. [Employee 1] stated that Ms. Hopkins should have notified DHS of Mr. Hopkins's incarceration. [Employee 1] referred to his incarceration as a "known change" in his circumstances.

ii. *OEIG Review of Documentation Pertaining to Issuance and Use of Orlando Hopkins's Link Card Benefits*

1. Transaction Details Reflecting Link Cards Issued to Orlando Hopkins by Diane Hopkins

OEIG investigators obtained DHS transaction details regarding the various Link cards issued to Orlando Hopkins. A review of the documents revealed that Diane Hopkins had reissued replacement Link cards to Mr. Hopkins on numerous occasions between August 2009 and March 2010. The transaction details noted the replacement cards were issued because previously issued cards were “lost” or “defective.” The dates and times that Ms. Hopkins issued replacement Link cards are as follows:

- August 14, 2009, at 5:00 p.m.;
- December 4, 2009, at 12:46 p.m.;
- December 28, 2009, at 5:06 p.m.;
- February 16, 2010, at 6:51 p.m.; and
- March 16, 2010, at 6:15 p.m.

In several of these five instances, Ms. Hopkins issued replacement cards without completing the corresponding documentation. First, the December 4 and 28, 2009, and February 16, 2010 Link cards were issued without Ms. Hopkins completing the Form 3658s or Card and PIN/PCN Issuance spreadsheet fields. Second, the August 14, 2009 Link card was issued even though the Form 3658 did not identify the client or employee issuing the card. Third, the Card and PIN/PCN Issuance spreadsheet fields corresponding to the August 14, 2009 Link card identified “JB” as the employee issuing the card.

2. Orlando Hopkins’s Applications for Benefits

The OEIG obtained Orlando Hopkins’s case file from DHS. A review of the case file revealed that he submitted applications for food stamps on May 14 and November 30, 2009.¹ In each application, Mr. Hopkins indicated that he was only applying for food stamp benefits for himself. The applications he signed contained admonitions on prohibited uses, a directive to notify DHS of a change in circumstances, and a section that he was to fill out if he wanted to authorize another person to use his food stamp benefits to purchase food for his consumption.

a. Prohibited Uses

The applications signed by Orlando Hopkins state:

- “Penalty Warning[:] ... Food stamp benefits may not be traded or sold Do not use someone else’s food stamp benefits for your FS [Food Stamp] unit.”
- “I understand the questions on this application and the penalty for hiding or giving false information or breaking any of the rules listed in the penalty warning.”

b. Reporting Change(s) in Circumstances

¹ Mr. Hopkins’s November 30, 2009 food stamp application was processed by [employee 3], Caseworker, DeKalb Local Office.

By signing his applications, Orlando Hopkins certified, "I understand that while my application is pending and once it is approved, I must report any changes in my FS unit's circumstances within 10 days of the date the change occurs, unless otherwise notified."

c. Designating An "Approved Representative"

Orlando Hopkins could have identified another person to purchase food for him. A section in the application titled, "Approved Representative," stated: "Someone other than the FS unit head [Orlando Hopkins] can ... use the food stamp benefits to buy food for the FS unit. If such a person is authorized, write his or her name below."

Mr. Hopkins did not identify anyone to use the benefits to purchase food for him. In his May 14, 2009 application, Mr. Hopkins wrote "N/A" in the field for the representative's name. In Orlando Hopkins's November 30, 2009 application, the field was blank.

III. Initial Interview of Diane Hopkins

On September 30, 2010, OEIG investigators interviewed Diane Hopkins and questioned her about issuing replacement Link cards, accessing DHS property to issue Link cards, and using benefits issued to Orlando Hopkins.

A. Diane Hopkins's Issuance of Replacement Link Cards to Orlando Hopkins

Diane Hopkins indicated that she was trained as an office assistant from May to July 2009, which included learning how to complete the Form 3658 and issue Link cards. Ms. Hopkins stated that in order for a Link card to be replaced, the Link card recipient and DHS employee were required to complete and sign a Form 3658. Ms. Hopkins said that information regarding food stamp benefits and Link cards are reconciled between a Form 3658 and Link card issuance logs (Card and PIN/PCN Issuance spreadsheet).

Investigators showed Ms. Hopkins a copy of the certification form she signed on May 20, 2009, acknowledging her receipt of the DHS Employee Handbook. Although the certification form stated,

I have been issued a copy of the [DHS] Employee Handbook. I understand that compliance with these policies and regulations is a condition of employment and that it is my obligation to read, understand, and remain current with any new or amended policy, rule, DHS directive or regulation[.]

Ms. Hopkins could not recall if she had read the entire Handbook prior to signing the form.

Investigators asked Ms. Hopkins if she had any involvement in issuing Link cards to Orlando Hopkins. Ms. Hopkins initially stated that she could not recall having done so, but then said that between May 19, 2009 and March 16, 2010, she reissued Mr. Hopkins's Link card on five occasions. Ms. Hopkins then confirmed that she was aware that it was against DHS policy

for employees to authorize assistance, benefits, or services to relatives or to be directly involved in deciding or re-determining eligibility for DHS services for relatives, but indicated that she “was not doing any of that” when she reissued Link cards to Mr. Hopkins.

Ms. Hopkins confirmed that when she reissued Mr. Hopkins’s Link card on August 14, 2009, she did not fully complete the Form 3658 and Card and PIN/PCN Issuance spreadsheet associated with Mr. Hopkins’s Link card. Ms. Hopkins said that she had written the Link card number on the Form 3658, but just forgot to sign it. Ms. Hopkins indicated that her failure to sign the Form 3658 was unintentional and further stated that she never used Mr. Hopkins’s Link card benefits without his knowledge. Ms. Hopkins then said that she had used Mr. Hopkins’s card during the prior year or so, but clarified, “it hasn’t been all the time.”

Ms. Hopkins said that as an office assistant, she was unaware that incarcerated individuals were not eligible for State benefits. However, Ms. Hopkins indicated that she is now aware that incarcerated individuals are ineligible for benefits.

B. Diane Hopkins’s Entrance to DeKalb Local Office After Hours

Investigators asked Diane Hopkins why she was in the DeKalb Local Office after regular work hours on some of the dates she reissued Link cards to Mr. Hopkins. Ms. Hopkins confirmed that she was required to have approval in order to be in the DeKalb Local Office after regular work hours. After initially being unable to recall if she was in the DeKalb Local Office on February 16, 2010, at 6:51 p.m., Ms. Hopkins confirmed that she did use her keys to enter the DeKalb Local Office that evening. Ms. Hopkins stated that she went into the office after work hours in order to report Mr. Hopkins’s Link card as having been “lost.” Ms. Hopkins also confirmed that on March 16, 2010, at 6:15 p.m., she again used her keys to re-enter the DeKalb Local Office after hours to report Mr. Hopkins’s Link card as having been “lost.”

C. Diane Hopkins’s Use of Orlando Hopkins’s Benefits as His “Proxy”

Investigators asked Diane Hopkins if she used Orlando Hopkins’s Link card while he was incarcerated. In response, she said she had used his Link card from December 5, 2009 until September 30, 2010.² Ms. Hopkins specifically denied responsibility for any Link card activity prior to December 5, 2009. Ms. Hopkins explained to investigators that she thought she was authorized to use Mr. Hopkins’s benefits because he designated her as his “proxy.”

According to Ms. Hopkins, customers who wanted to give third parties access to their Link cards completed a “proxy form.” Ms. Hopkins said that on December 5, 2009, Mr. Hopkins gave her a proxy letter, authorizing her to obtain his public aid benefits on his behalf. Ms. Hopkins stated that she and Mr. Hopkins filled out a proxy form together and that she placed it in the brown folder located at the front desk of the DeKalb Local Office. Ms. Hopkins said that DeKalb Local Office personnel never approved the form because she never submitted it to them, as she was unaware that such requests required approval. Ms. Hopkins then stated that

² There were no purchases made with Orlando Hopkins’s Link card after March 24, 2010, near the date when DeKalb Local Office staff cancelled his benefits.

when Mr. Hopkins asked her to be his proxy, she signed the form. Investigators asked Ms. Hopkins how long the proxy was valid, to which she replied, "A lifetime, I guess."

Ms. Hopkins then stated that Mr. Hopkins gave her a letter that she kept for her own protection. Ms. Hopkins furnished investigators with the original letter. The handwritten letter, dated December 5, 2009, stated,

I give, Diane Hopkins, (wife) the authorization to use my link card as she sees fit to buy food for my kids while I am gone. This is my way of trying to help her ["with" is crossed out] take care of my kids while I am gone.
Sincerely, O Hopkins.

Ms. Hopkins stated that she wrote the letter on December 5, 2009, the night DeKalb County Sheriff's Department arrested Mr. Hopkins. Ms. Hopkins explained that Mr. Hopkins signed the December 5, 2009 letter while handcuffed. She further explained that Mr. Hopkins signed the letter in front of the DeKalb County Sheriff's officer who arrested Mr. Hopkins. Ms. Hopkins also said she was Mr. Hopkins's proxy prior to his arrest, although she could not recall the date.

Ms. Hopkins informed investigators that she did not clearly understand certain policies, but stated that she understood that Link card recipients could only use food stamps for the benefit of those living with them. Even though neither she nor her children lived with Mr. Hopkins, Ms. Hopkins repeated that she thought that because she was Mr. Hopkins's proxy, it was okay for her to use his Link card benefits. Ms. Hopkins said she was unaware that by using Mr. Hopkins's Link card benefits for her own needs, it could constitute benefit fraud. Ms. Hopkins then provided OEIG investigators with a written statement, wherein she detailed her financial hardships and stated that she used Orlando Hopkins's benefits with his knowledge.

During the interview, investigators also asked Ms. Hopkins if Mr. Hopkins shared any of his food stamp benefits with her prior to his incarceration. She responded that he did share his benefits with her children "maybe three to four" times in the "last year and this year." Ms. Hopkins said she probably "bugged him" for assistance because he never helped her. Ms. Hopkins stated that Mr. Hopkins helped her buy groceries because of her financial difficulties.

IV. Follow-up Investigation

A. Diane Hopkins's "Proxy" Status

i. Interview of [employee 1]

On October 14, 2010, OEIG investigators contacted [employee 1] regarding proxy forms on file at the DeKalb Local Office for Link card recipients. [Employee 1] explained that the customer and the designated proxy must both come to the DHS Local Office and sign the

designated form.³ [Employee 1] checked the Local Office for proxy forms, but was unable to locate a proxy form for either Diane Hopkins or Orlando Hopkins.

ii. Documentation Pertaining to Orlando Hopkins's Arrest

The OEIG obtained and reviewed documentation from the DeKalb County Sheriff's Department pertaining to the arrest of Orlando Hopkins, including but not limited to, an "Incident/Investigation Report," "Arrest Reports," and a "Reporting Office Narrative" completed by arresting officer Sergeant Anthony Grum. None of these documents reflected that Mr. Hopkins signed any document while handcuffed.

iii. Interview of DeKalb County Sheriff's Sergeant Anthony Grum

On December 15, 2010, OEIG investigators interviewed Anthony Grum, Sergeant, DeKalb County Sheriff's Department. Sgt. Grum stated that on December 8, 2009, he arrested Orlando Hopkins at his apartment. Sgt. Grum stated that two women arrived at the scene of the arrest. Sgt. Grum did not recall that Mr. Hopkins gave either woman a Link card. Sgt. Grum also stated that Mr. Hopkins did not sign any document for either of the women while handcuffed.

B. Link Card Activity on Orlando Hopkins's Account Prior to His Incarceration

The OEIG obtained and reviewed reports detailing transactions on Orlando Hopkins's Link cards from May 2009 to March 2010, which showed the times, dates and locations the cards were used. Activity on the cards both before and during his incarceration was generally consistent: benefits issued mid-month were used by the end of the corresponding month. In addition, the transaction reports reveal that purchases were made at some of the same locations during the entire time period.

V. Follow-up Interviews of Diane Hopkins and Orlando Hopkins

On January 24, 2011, OEIG investigators interviewed Diane Hopkins and Orlando Hopkins.

A. Interview of Diane Hopkins – Part I

i. Proxy Execution

Investigators showed Diane Hopkins a copy of the handwritten "proxy" letter dated December 5, 2009 that she provided to investigators during her September 30, 2010 interview. Ms. Hopkins repeated that Orlando Hopkins signed the letter the day he was arrested. She stated

³ [Employee 1] also stated that if a customer's disability prevented travel to the Local Office, then DHS staff would travel to the customer to obtain the proxy authorization.

that she went to Mr. Hopkins's residence after learning he was arrested, and wrote the note, which Mr. Hopkins signed while he was handcuffed. Ms. Hopkins also said Mr. Hopkins gave her his Link card at that time.

Investigators then asked Ms. Hopkins how Mr. Hopkins could have signed the letter December 5, 2009 when Mr. Hopkins's arrest did not occur until December 8, 2009. Ms. Hopkins then stated that they "had the letter before, but he signed it on the day he was arrested." Ms. Hopkins then said she "probably had the date wrong."

Ms. Hopkins stated that Sgt. Grum was a former schoolmate of Mr. Hopkins's and allowed him to be free from his handcuffs when he signed the letter. Ms. Hopkins stated that Sgt. Grum would deny allowing Mr. Hopkins to sign the letter, because he would have to admit he failed to follow procedure by not keeping Mr. Hopkins in handcuffs at all times.

ii. *Link Card Usage*

1. Form 3658

During her interview, Diane Hopkins stated that she has worked with Form 3658s for approximately three years. When filling out Form 3658s, Ms. Hopkins said she only ensured that the customers' signatures matched the names on the forms. Ms. Hopkins stated she has never read the Form 3658 in its entirety. Ms. Hopkins stated that sometimes she initialed the forms and sometimes she did not. Ms. Hopkins stated that she did not know why she initialed the forms, because no one ever trained her how to complete or administer the forms, and she never read them.

2. Orlando Hopkins's Link Card Benefits

Diane Hopkins stated that she knew that Link card benefits may not be traded or sold, but said that she thought she could use another recipient's Link card as long as she was the recipient's proxy. Ms. Hopkins said she began using Orlando Hopkins's Link card on the day he was arrested in December 2009.

Investigators then presented Ms. Hopkins with a list of Mr. Hopkins's Link card transactions. Ms. Hopkins denied using Mr. Hopkins's card prior to December 19, 2009. Ms. Hopkins stated that she stopped using Mr. Hopkins's Link card after March 2010.

Investigators directed Ms. Hopkins to the list of Mr. Hopkins's Link card transactions from May 2009 – September 2009 and asked if she made any of the purchases listed therein. She denied that she had made any of the purchases using Mr. Hopkins's Link card, and reiterated that she only used Mr. Hopkins's Link card after he gave it to her in December 2009.

B. Interviews of Orlando Hopkins

During Orlando Hopkins's interview, investigators showed him a copy of the handwritten proxy letter, dated December 5, 2009, and purportedly signed and given to Diane Hopkins the

night of his arrest. Mr. Hopkins confirmed he had seen the letter before January 24, 2011, because he filled it out and signed it. Mr. Hopkins initially stated that the letter was prepared two days before his arrest, but signed by him while handcuffed. Mr. Hopkins then stated that he signed the letter the night he was arrested, but the letter contained the wrong date. Finally, Mr. Hopkins stated that he signed the letter while un-handcuffed.

Investigators then showed Orlando Hopkins his May 14, 2009 benefit application that cautioned recipients not to share food stamp benefits. Mr. Hopkins responded by stating he did not read the section. Mr. Hopkins confirmed that he has used his Link card to purchase food for his children for at least three to four years. Mr. Hopkins said he knew Ms. Hopkins had her own food stamp benefits, but said that because “they’d run out,” he used his benefits to buy food for their children.

C. Interview of Diane Hopkins – Part II

Investigators asked Diane Hopkins to confirm her previous statement(s) that Orlando Hopkins signed the proxy letter on the night of his arrest. In response, Ms. Hopkins said, “I lied when I said he signed the form while being arrested.”

Investigators again asked Diane Hopkins about using Orlando Hopkins’s Link card benefits prior to December 2009. This time, Ms. Hopkins said that prior to December 2009, Mr. Hopkins may have allowed her intermittent use of his Link card. Investigators then asked Ms. Hopkins if she lied when she denied making purchases with Mr. Hopkins’s Link card prior to December 2009 and she responded, “Maybe I did.” Ms. Hopkins then affirmatively said she had lied to investigators when she previously denied using the card prior to December 2009.

Diane Hopkins reiterated that she thought it was “okay” for her to use Orlando Hopkins’s benefits, because she had authorization from him to act as his proxy.

IV. Analysis

A. Diane Hopkins Improperly Reissued Link Cards in Orlando Hopkins’s Name

i. Participating in Benefit Issuance to Orlando Hopkins

The DHS Employee Handbook states, “An employee shall not participate in or condone fraud, dishonesty, or misrepresentation in the performance of duties.” Section V – Employee Personal Conduct. It also provides, “An employee may not authorize assistance, benefits, or services to relatives, household members or persons for whom they have custodial responsibility. Further, an employee may not be directly involved in deciding or redetermining eligibility for DHS services for relatives or household members, or for whom they have custodial responsibility.” Section V – Relatives Applying For or Receiving Services. DHS Administrative Directive No. 01.02.02.200 states, “An employee may not process an application, authorize benefits, provide services, or otherwise handle a case for a relative.”

Diane Hopkins admitted to OEIG investigators that she reissued Orlando Hopkins's Link card on five occasions, before and during his incarceration. Ms. Hopkins violated DHS policy because she "otherwise handle[d] a case for a relative" when she reissued Link cards to her husband. Moreover, when Ms. Hopkins reissued Link cards during her husband's incarceration, she concealed his ineligibility for food stamp benefits. As a result, Ms. Hopkins effectively authorized, or was involved in, issuing benefits to a relative.

In defense, Ms. Hopkins offered several explanations. Each one lacks merit. First, Ms. Hopkins stated that she did not know that incarcerated persons were ineligible for benefits. This statement lacks credibility. If Ms. Hopkins did not know the eligibility requirements, she should not have issued replacement cards. Second, Ms. Hopkins stated that she accessed Mr. Hopkins's Link account and benefits with his knowledge. DHS did not maintain or possess any of the requisite documentation for Ms. Hopkins to act as Mr. Hopkins's representative or proxy. More importantly, DHS policy does not allow relatives to participate in benefit cases, even if the customer does not object. Finally, Ms. Hopkins said that even though she certified that she received and was responsible for complying with the Employee Handbook and other DHS regulations, she could not recall if she read the entire Handbook. In any event, Ms. Hopkins was able to recount for investigators that in order for DHS employees to issue replacement Link cards, they must complete Form 3658s and the Card and PIN/PCN Issuance spreadsheets. Yet, for several of the cards that Ms. Hopkins reissued in her husband's name, those documents were not completed. Ms. Hopkins's failure to complete the documentation suggests she intentionally ignored protocol in order to conceal her actions.

Based on the evidence, the OEIG finds that the allegation that Diane Hopkins improperly reissued Link cards to her husband in violation of DHS policy is **FOUNDED**.

ii. *Accessing and Using DHS Resources and Information for Personal Purposes*

Several policies prohibit DHS employees from using Agency resources for personal purposes:

- "Use of State-owned personal computers (PCs) by Department of Human Services (DHS) employees is strictly limited to State of Illinois business." DHS Administrative Directive No. 01.03.01.020.⁴
- "An employee shall not use State equipment for inappropriate purposes or for personal gain." DHS Administrative Directive No. 01.02.03.040(10).
- "Unauthorized ... use of keys ... is forbidden." DHS Employee Handbook, Section V-3.

Administrative rules governing benefit programs also state that the "[u]se of information for ... personal ... purposes is specifically prohibited." Ill. Admin. Code tit. 89, § 10.230(b) (2000). This restriction is set forth in the DHS Cash, SNAP and Medical Manual, Policy Manual, § 01-01-04, as well.

⁴ See also DHS Employee Handbook, Section V – Use of Computers, Related Equipment, Software, System Information and the Internet.

Evidence gathered by the OEIG, including admissions from Diane Hopkins, confirmed that Ms. Hopkins used State computer systems, sometimes after hours, to access information about Orlando Hopkins's public aid case. Because Ms. Hopkins was not (and could not be) responsible for administering benefits to Mr. Hopkins, she used State resources for unauthorized, personal purposes. Moreover, the fact that Ms. Hopkins sometimes entered the DHS office after the office was closed establishes that she knew her actions were improper. As a result, the allegation that she used DHS resources to inappropriately access information is **FOUNDED**.

B. Diane Hopkins Misappropriated Orlando Hopkins's Food Stamp Benefits for Her Personal Use

DHS policy states that employees hold positions of public trust and are to refrain from conduct that adversely affects the public confidence. DHS Employee Handbook, Section V – Employee Personal Conduct. As set forth above, employees are not to engage in fraudulent, dishonest or misrepresentative behavior while working. *Id.* In addition, the Illinois Criminal Code forbids the commission of State benefits fraud, and states that it occurs when:

Any person ... obtains ... benefits from the State of Illinois, ... or from any program funded or administered in whole or in part by the State of Illinois ... through the knowing misrepresentation of ... any ... material fact upon which his eligibility for or degree of participation in any benefit program might be based. 720 ILCS 5/17-6(a).⁵

Diane Hopkins admitted to using the food stamp benefits issued to Orlando Hopkins's account during Orlando Hopkins's incarceration, which was between approximately December 19, 2009 and March 24, 2010. The OEIG determined that the amount of benefits she used during his incarceration totaled approximately \$770. In addition, Ms. Hopkins admitted to occasional use of Mr. Hopkins's Link card prior to that time period. In response, Ms. Hopkins maintained that because Mr. Hopkins gave her permission or designated her to act as his "proxy," she could use his benefits.

However, Ms. Hopkins's so-called "proxy" fails to justify her use of Mr. Hopkins's food stamp benefits for several reasons. First, Mr. Hopkins was not entitled to benefits while incarcerated⁶ and, therefore, he had no benefits that Ms. Hopkins could lawfully use. Second, [Employee 1] could not locate any proxy form that Ms. Hopkins stated she left at the Local Office, which tends to suggest there was no proxy form. Third, if Mr. Hopkins wanted Ms. Hopkins to be his "approved representative" (the title given a "proxy" in the food stamp applications he signed), he would have had to designate Ms. Hopkins in his food stamp applications, which he did not. Fourth, the food stamp applications authorize the "approved representative" to "use the food stamp benefits to buy food for [Orlando Hopkins's food stamp] unit." If Ms. Hopkins was in fact Mr. Hopkin's approved representative, she was only authorized to use Mr. Hopkin's food stamp benefits for *his*, not *her*, food stamp unit.

⁵ The Criminal Code classifies State benefits fraud as a Class 3 felony if more than \$300 is obtained. 720 ILCS 5/17-6(d)(1).

⁶ DHS Cash, SNAP and Medical Manual, Policy Manual, § 03-23-01.

Evidence adduced by the OEIG confirmed that Diane Hopkins violated DHS policy by using at least \$770 in food stamp benefits (and likely committed State benefits fraud). As a result, this allegation is **FOUNDED**.

C. Diane Hopkins Failed to Cooperate during Her OEIG Interviews

The State Officials and Employees Ethics Act contains the following about State employees' duty to cooperate during OEIG investigations: "It is the duty of every ... employee ... to cooperate with the Executive Inspector General ... in any investigation undertaken pursuant to this Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements." 5 ILCS 430/20-70. The DHS Employee Handbook, Section V – Employee Personal Conduct, also states that employees "shall provide full cooperation" to the OEIG.

By Diane Hopkins's own admissions, she initially lied to investigators when she stated that she had not used Orlando Hopkins's benefits before his incarceration, and that Mr. Hopkins signed the proxy letter while handcuffed.

Despite her eventual admission that she lied about the proxy's execution, Ms. Hopkins remained steadfast in asserting that the proxy authorized her use of Orlando Hopkins's food stamp benefits. She also remained steadfast in asserting that the "proxy" authorized her to issue replacement Link cards, despite DHS policy prohibiting her from working on relatives' cases. In so doing, she continued to lie to OEIG investigators even when they confronted her with overwhelming evidence contradicting her statements:

- She did not complete the documents required to reissue Mr. Hopkins's Link cards;
- She never received approval from DHS to act as Mr. Hopkins's proxy; and
- She twice entered without authorization the DeKalb Local Office after hours to reissue Mr. Hopkins's Link cards.

Because Ms. Hopkins would not have reason to conceal conduct that she thought was condoned, Ms. Hopkins's assertions that she was authorized to use the benefits are not credible, particularly in light of the Hopkins' inability to offer a consistent account of how and when the "proxy" was executed or exchanged.

The evidence indicates that Diane Hopkins was not cooperating when she was untruthful in answering when she began using Orlando Hopkins's benefits, and explaining the proxy's execution. Also, Ms. Hopkins's continued claims to the OEIG that she had authorization to use Orlando Hopkins's benefits for her own consumption constitutes non-cooperation. As a result, the OEIG concludes that the allegation that Ms. Hopkins failed to cooperate during the investigation is **FOUNDED**.

D. Orlando Hopkins's Misuse of Food Stamp Benefits

i. Failing to Report Change in Circumstances

In the two food stamp applications that Orlando Hopkins signed on May 14 and November 30, 2009, he certified his understanding that he “must report any changes in [his] FS unit’s circumstances within 10 days of the date the change occurs” This requirement is also set forth in administrative rules titled, “Reporting Change of Circumstances.” Ill. Admin. Code tit. 89, § 10.250(a) (December 14, 2009).⁷

Orlando Hopkins did not report his incarceration as a change in circumstances. Therefore, Mr. Hopkins failed to comply with the requirements governing his receipt of food stamps and thus, this allegation is **FOUNDED**.

ii. Allowing Diane Hopkins to Use “His” Food Stamp Benefits

Orlando Hopkins’s food stamp applications stated that he could not trade his benefits or “hid[e] ... information.”

In his OEIG interviews, Orlando Hopkins confirmed that he allowed Diane Hopkins to use his food stamp benefits while he was incarcerated. However, Mr. Hopkins did not have the authority to allow anyone else to use his benefits, at any time. Moreover, he was not entitled to food stamps while incarcerated. Rather than inform DHS of his change in eligibility, he withheld the information and facilitated Ms. Hopkins’s wrongful use of the food stamp benefits issued to his account. The evidence establishes that Orlando Hopkins violated DHS food stamp program regulations by allowing someone else to use of his food stamp benefits and thus, this allegation is **FOUNDED**.

iii. Using Food Stamp Benefits to Buy Food for Children Residing with Diane Hopkins

In Orlando Hopkins’s food stamp benefit applications, he was also instructed not to “use someone else’s food stamp benefits for [his] FS unit.” Implicit in this warning, and in the remainder of the application, is that he was only to use his food stamp benefits for his consumption, as he solely comprised his food stamp unit.

Independent of allowing Diane Hopkins to use his food stamp benefits by purported proxy, Orlando Hopkins admitted to investigators that he has used his Link card to purchase food for his children that reside with Ms. Hopkins. The governing program regulations do not authorize Mr. Hopkins to use his food stamp benefits to buy food for individuals, including his children, if they are not a part of his food stamp unit. As a result, the allegation that Orlando Hopkins misused his food stamp benefits under these circumstances is **FOUNDED**.

⁷ *Id.* See also, § 18-04-00.

VII. Conclusions and Recommendations

As a result of its investigation, the OEIG issues these findings:

- **FOUNDED** – In violation of DHS policy, Diane Hopkins reissued Link cards to her husband, Orlando Hopkins, both before and during his incarceration.
- **FOUNDED** – In violation of DHS policy and administrative rules, Diane Hopkins used DHS resources to access information for personal purposes.
- **FOUNDED** – In violation of DHS policy, Diane Hopkins used State benefits to which she was not entitled.
- **FOUNDED** – In violation of the Ethics Act and DHS policy, Diane Hopkins failed to cooperate during her OEIG interview(s).
- **FOUNDED** – In violation of food stamp program regulations, Orlando Hopkins failed to report a change in circumstances – his incarceration – that rendered him ineligible for food stamps.
- **FOUNDED** – In violation of food stamp program regulations, Orlando Hopkins facilitated Diane Hopkins's unauthorized use of food stamp benefits issued to him.
- **FOUNDED** – In violation of food stamp program regulations, Orlando Hopkins misused his food stamps by buying food for persons who did not comprise part of his food stamp unit.

The OEIG recommends that DHS terminate Diane Hopkins. The OEIG also recommends that DHS recoup from Diane Hopkins the approximate \$770 in benefits she misappropriated. In addition, the OEIG recommends that DHS consider Orlando Hopkins's misconduct in accordance with the intentional violation of program provisions set forth in the administrative rules for the food stamp program, Ill. Admin. Code tit. 89, §121.50, *et seq.*, and take whatever remedial action is prescribed by statute or regulation.

The OEIG will not request that the Illinois Attorney General file a complaint with the Illinois Executive Ethics Commission alleging violations of the Ethics Act by Ms. Hopkins.

The OEIG will refer this case to the Illinois Attorney General to evaluate Diane Hopkins's conduct in regards to State benefits fraud.

No further investigation is required and this matter is closed.

Pat Quinn, Governor



Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

May 3, 2011

Mr. Ricardo Meza
Executive Inspector General
Office of the Executive Inspector General
For the Agencies of the Illinois Governor
32 West Randolph Street, Suite 1900
Chicago, Illinois 60601

RE: OEIG Complaint No: 10-00336

Dear Inspector General Meza:

The following OEIG complaint was forwarded to the Kane/Elgin Family Community Resource Center (FCRC) for a response. Redact

Redact The complaint alleged that after work hours, Diane Hopkins used state resources to issue a LINK card to her estranged husband, Orlando Hopkins, while he was incarcerated. During the course of the investigation, the OEIG concluded that Diane Hopkins issued several Link cards in the name of Orlando Hopkins, both before and during his incarceration without authorization, accessed DHS resources for personal purposes, misappropriated food stamp benefits issued to Orlando Hopkins and failed to cooperate in the OEIG investigation.

Based on these findings and the recommendations of the OEIG, a pre-disciplinary meeting will be scheduled for Wednesday, May 4, 2011 to implement disciplinary proceedings. DHS will also seek to recoup \$770 in misappropriated food stamp benefits from Diane Hopkins. Additionally, the OEIG recommendations of misconduct in accordance with the intentional violation of program provisions set forth in the administrative rules for the food stamp program by DHS customer, Orlando Hopkins is being referred to the DeKalb County FCRC for follow up (Mr. Hopkins is a customer of the DeKalb County FCRC).

Based upon these findings from your office, we are requesting additional time to carry out due process of the pre-disciplinary hearing, actions related to the corresponding grievance procedure and to allow for the timely notice to Orlando Hopkins that he received an overpayment of food stamp benefits.

Sincerely,

Michelle R.B. Saddler
Secretary



Pat Quinn, Governor

Illinois Department of Human Services

Michelle R.B. Saddler, Secretary

100 South Grand Avenue, East • Springfield, Illinois 62762
401 South Clinton Street • Chicago, Illinois 60607

August 17, 2011

Mr. Ricardo Meza
Executive Inspector General
Office of the Executive Inspector General
For the Agencies of the Illinois Governor
32 West Randolph Street, Suite 1900
Chicago, Illinois 60601

RE: OEIG Complaint No: 10-00336 **(Final Update)**

Dear Inspector General Meza:

Diane Hopkins, Human Service Caseworker improperly reissued LINK cards to her estranged husband (Orlando Hopkins), accessed IDHS resources to retrieve information for personal purposes, used state benefits to which she was not entitled and failed to cooperate during OEIG interviews. A final update will be provided below regarding disciplinary action taken by DHS against Mrs. Hopkins and the implementation of your office's recommendations.

A pre-disciplinary meeting was held on May 4, 2011 to implement disciplinary proceedings against Ms. Hopkins. On May 27, 2011, she was placed on a 30-day suspension pending discharge. Effective June 24, 2011, Diane Hopkins' employment was terminated via a "probationary discharge" because she was not certified in her position as a Human Services Caseworker. In addition, DHS will also seek to recoup from Diane Hopkins the \$770.00 in benefits she misappropriated.

The OEIG recommendations for misconduct in accordance with the intentional violation of program provisions set forth in the administrative rules for the Supplemental Nutrition Assistance Program (SNAP) for DHS customer Orlando Hopkins were referred to the DeKalb County Family Community Resource Center (FCRC) for follow up, as Mr. Hopkins is a customer of the DeKalb County FCRC. In addition, the DeKalb County FCRC processed an overpayment of SNAP benefits against customer Orlando Hopkins in the amount of \$800.00 for the period of December, 2009 through March, 2010 and indicated the overpayment as "Intentional Program Violation." Therefore, DHS considers this matter resolved and respectfully requests that your office close this case.

Sincerely,

Michelle R.B. Saddler
Secretary